

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SUSANA A. RUBALCABA, *individually  
and on behalf of all those similarly  
situated,*

Plaintiff,

v.

QVC, INC.,

Defendant.

Case No. 1:25-cv-00129-JLT-EPG

ORDER RE: NOTICE OF VOLUNTARY  
DISMISSAL OF ENTIRE ACTION WITH  
PREJUDICE

(ECF No. 5)

On April 16, 2025, Plaintiff filed a notice voluntarily dismissing this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) as Defendant has not filed either an answer or a motion for summary judgment. (ECF No. 5).

However, this case was brought as a putative class action on behalf of Plaintiff individually and similarly situated persons. Accordingly, although Plaintiff may dismiss Plaintiff's individual claims with prejudice, Plaintiff cannot dismiss the class claims with prejudice. *See Smith v. Bayer Corp.*, 564 U.S. 299, 315, (2011) ("Neither a proposed class action nor a rejected class action may bind nonparties. What does have this effect is a class action approved under Rule 23."); *Allred v. Chicago Title Co.*, No. 19CV2129-LAB (AHG), 2020 WL 5847550, at \*1 (S.D. Cal. Oct. 1, 2020) ("Although the motion seeks dismissal of all claims with prejudice, the Court construes this as a request to dismiss Plaintiffs' own claims with prejudice, and putative class claims without prejudice.").

1 Accordingly, IT IS ORDERED that, within 7 days of the entry of this order, Plaintiff  
2 shall file a revised notice of voluntary dismissal, indicating that Plaintiff intends to dismiss  
3 Plaintiff's individual claims with prejudice and class claims without prejudice.

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5 IT IS SO ORDERED.

6 Dated: April 17, 2025

7 /s/ Eric P. Grogan  
8 UNITED STATES MAGISTRATE JUDGE  
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